SENATE DOCKET, NO. 1684 FILED ON: 1/21/2011

# SENATE . . . . . No. 238

The Commonwealth of Massachusetts

PRESENTED BY:

***Karen E. Spilka*, (BY REQUEST)**

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act Interrupting the school to prison pipeline.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|---|---|
| *Bill Robinson* | *NAACP New England Area Confeence*<br>*P.O. Box 320128*<br>*West Roxbury, MA 02132* |

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# SENATE . . . . . No. 238

By Ms. Spilka (by request), a petition (accompanied by bill, Senate, No. 238) of NAACP Bill Robinson for legislation to interrupt the school to prison pipeline. Education.

## The Commonwealth of Massachusetts

An Act Interrupting the school to prison pipeline.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

SECTION 1. Whereas, the black community is in a dark place right now with respect to education. "The School To Prison Pipeline" has had a long and devastating affect in criminalizing our youth before they reach leadership age. This situation continues to worsen; and,

Whereas, school extreme policies and practices that affect students of color with the oppressive zero tolerance movement involving disciplining them for disruptive non-violent conduct offenses, disturbing the peace and instituting school-based arrests under vague offense categories, such as misbehavior and being disrespectful and then relying on law enforcement and the courts to impose punishments that needlessly remove students from school. 76% of all referrals have been for misdemeanor offenses; and,

Whereas, police find calls by teachers for miscellaneous, trivial discipline matters as typically unnecessary for their involvement, and view these and other catchall categories as teachers wanting punishment for misbehavior to help manage their classes. This has contributed to suspensions and expulsions of blacks students at a highly disproportionate rate of 3.5 times the rate of white youth; and,

Whereas, restraints by law enforcement, in some cases, have expanded into physical assaults situations and is contributing to the well-documented disproportionate racial disparities of detentions; and,

Whereas, the combined endeavors of schools and law enforcement in conducting "School To Prison Pipeline" policies and practices are advancing toward institutionalized "Bullying" when they correlated with the definitions in the M.G. L., CMR and Title 6 statutes; and,

23 Whereas, as the "The School To Prison Pipeline" problems are increasing with
24 the use of disciplinary alternative schools and secured detention to marginalize our most at-risk
25 youth by deny them access to education. The state is missing an opportunity to make
26 improvements in areas of overall learning. The national education rating reports indicate that
27 when more students stay in schools, the state's nationally rated category positions may also
28 improve. Although Massachusetts is rated in 1st place in standards, there is a disconnect in other
29 areas:

30 - Minority access to good schools is at a low performance rate of 27%

31 - Is in 32nd position in nation on black graduations

32 - Has a graduation rate gap of a 26% between white and black males

33 - Is in 12th position in nation in proficiency

34 - Is in 9th position in nation in overall achievement

35 - Is in 18th position in nation in learning achievement

36 - Is in 32nd position in nation in efficiency;

37 and,

38 Whereas, Interrupting "The School To Prison Pipeline" can be accommodated
39 procedurally using the framework of the Bullying Bill Law which does not require additional
40 funding and staffing of non-school related activities, functions, or programs, and the data that is
41 collected is already mandated by existing M.G.L. and CMR statues so it can be reviewed and
42 analyzed; and,

43 Whereas, the Bullying Prevention Intervention Plans developed individually by
44 the schools are not uniform across the state, do not address all aspects of the "Hostile
45 Environment" conditions within the institutions and must be examined for the purpose of
46 organization and supplementation to include support to interrupt "The School To Prison
47 Pipeline" such as having its own entry in the Superintendent's Checklist.

48 Therefore, the following amendments to Massachusetts General Laws, Code of
49 Massachusetts Regulations and specifically the current implementation of the Bullying Bill
50 should be adopted to stop the "The School To Prison Pipeline" affect that is criminalizing our
51 youth.

52 SECTION 2. Section 37O of Chapter 71 as appearing in the 2008 Official
53 Edition of the General Laws is hereby amended by adding after the paragraph defining the
54 "Hostile Environment" the following new definition.

55 ““Institutionalized-bullying”, the inappropriate use of educational policies and practices
56 that results in school-based arrests of students. Through misapplication of zero-tolerance school
57 discipline combined with the involvement of law enforcement on school grounds, students are
58 being punished for vague non-violent offenses, such as disturbing the peace, misbehavior,
59 disrespectful, disruptive conduct and other catchall categories of miscellaneous trivial
60 misdemeanors that contribute to (I) suspensions and expulsions; (II) court impose punishments;
61 (III) needlessly remove of students from school; (IV) referral to alternative schools; and (V)
62 correlate with the definition of “Hostile Environment” conditions by adults in disciplining
63 students.”

64 SECTION 3. Section 37O of of Chapter 71 as appearing in the 2008 Official
65 Edition of the General Laws is hereby amended by adding after the word “cyber-bullying” in line
66 72 the following words:-

67 “, Institutionalized-bullying”

68 SECTION 4. Section 37O of Chapter 71 as so appearing, is hereby amended by
69 removing after the word “action;” in line 91 the following:-“ and”

70 SECTION 5. Section 37O of Chapter 71 as so appearing, is hereby amended by
71 adding after the word “students” in line 92 the following words:-

72 “; and (ix) the misapplication of school discipline, which involves law enforcement,
73 resulting in school-based arrest of a student on school grounds, shall be subject to disciplinary
74 action as prescribed in student safety policies and regulations.”

75 SECTION 6. The Department of Elementary and Secondary Education shall
76 promulgate regulations to do the following:

77 “Establish reporting requirements for school-based arrests that similar to the ones used
78 for physical restraint.

79 Establish notice to parent’s requirements for school-based arrests that similar to the ones
80 used for physical restraint.

81 Establish notice to law enforcement agency procedures, as a process for informal
82 communications, to establish agreements that will avoid school-based arrests for misapplication
83 of zero-tolerance school policies and practices in the disciplining of students that are being
84 punished for disturbing the peace, misbehavior, disrespectful, disruptive conduct and other
85 catchall categories of miscellaneous trivial misdemeanors.

86 Establish a bi-annual reminder entry in the Superintendent’s Checklist to notify faculty
87 relative to the misapplication of school policies and practices in the disciplining of students.”